Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRUCE TOGNAZZINI

Appeal No. 2000-0237
Application No. 08/655,136

ON BRIEF

Before HAIRSTON, BARRETT, and FLEMING, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20. In view of appellant's decision to withdraw the appeal of the rejection of claim 16, only claims 1 through 15 and 17 through 20 remain before us on appeal.

The disclosed invention relates to a method and apparatus for sending information to called stations over a telephone line.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. Apparatus for sending information to called stations over a telephone line, comprising:

a. a telephone set connected to said line;

b. a data interface connected to said line;

c. a card reader for reading card information and sending it to one of said called stations over said data interface;

d. data memory for storing information from one of said called stations, including said card information; and

e. a key for activating said data memory to send said stored information to another of said called stations.

The references relied on by the examiner are:

Weiss et al. (Weiss)	5,195,130	Mar. 16, 1993
Talton	5,452,352	Sep. 19, 1995
Rosen	5,455,407	Oct. 3, 1995

Claims 1 through 4, 11 through 15 and 17 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiss in view of Rosen.

Claims 5 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Talton in view of Weiss.

Reference is made to the brief (paper number 11), the final rejection (paper number 5) and the answer (paper number 12) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 103(a) rejection of claims 1 through 15 and 17 through 20.

Weiss discloses a telephone-computer configured as a programmable microcomputer that includes a reconfigurable programmable gate array (PGA) chip that can be reconfigured, without actually reconfiguring the hardware of the chip, to accommodate various types of software (Abstract; column 5, lines 51 through 54). The telephone-computer communicates with a network host computer which in turn communicates with an array of service bureaus (Abstract). Before the telephone-computer can talk to one of the service bureaus (e.g., a bank A), the telephone-computer must make a request to the host computer to download operating software that will reconfigure the PGA to thereby format the microcomputer to conform to the software format used by the service bureau (i.e., bank A) (Abstract; column 13, lines 52 through 67; column 23, line 52 through column 24, line 9). If a second service bureau needs to be contacted, then the telephone-computer must go through the same request and download process with the host computer (column 24, lines 10 through 25).

Other than the operating software, "Weiss does not teach or suggest storing the result in a memory device at the telephone-computer" (brief, page 6). Thus, we agree with the examiner (final rejection, page 7) that "Weiss does not disclose the sending of the information received from the called station to another called station for a second transaction." As indicated supra, a subsequent contact by the telephone-computer with another service bureau requires a new request to the host computer, and another download of operating software for the new service bureau. Inasmuch as Weiss is not in a customer-seller environment, we likewise agree with the examiner (final rejection, page 7) that Weiss does not disclose a seller checking to see if a customer is equipped with memory "for storing the information prior to sending the information."

We agree with the examiner (final rejection, pages 7 and 8) that Rosen discloses an electronic monetary system that by chance discloses several features that are disclosed in appellant's invention. On the other hand, we agree with the appellant (brief, pages 7 through 10) that the teachings of Rosen do not cure the noted shortcomings in the teachings of Weiss, and that there is no reason why the skilled artisan would have looked to the teachings of Rosen to fill in the gaps in the teachings of

Weiss. In the absence of such a compelling reason for combining the disparate teachings of Weiss and Rosen, the obviousness rejection of claims 1 through 4, 11 through 15 and 17 through 20 is reversed.

Turning to the obviousness rejection of claims 5 through 10, the examiner combines the teachings of Weiss with those of Talton (final rejection, pages 8 through 11). Talton is directed to an automatic dialing system in the form of a credit card (Abstract; Figures 1 and 2). The credit card dialer is preprogrammed by the user with telephone numbers. A telephone call is made by holding the credit call dialer adjacent to a telephone so that tones corresponding to touch-tone frequencies will input the telephone system to complete the telephone call (column 4, lines 18 through 30). The examiner's contentions to the contrary notwithstanding, the teachings of Talton are not relevant to the disclosed and claimed invention, and nothing contained in the teachings of Talton will cure the above-noted shortcomings in the teachings of Weiss (brief, pages 15 and 16). For these reasons, the obviousness rejection of claims 5 through 10 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 15 and 17 through 20 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON
Administrative Patent Judge

LEE E. BARRETT
Administrative Patent Judge

MICHAEL R. FLEMING
Administrative Patent Judge

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